

State of California

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Legislative Change No.

04-25

Bill Number: SB 1193

Author: Soto

Chapter Number: 04-547

Laws Affecting Franchise Tax Board: Revenue and Taxation Code Section 17132.4

Date Filed with the Secretary of the State: September 16, 2004

SUBJECT: Exclusion/Death Benefits Received By Surviving Spouse Or Beneficiary Of Member Of California National Guard, State Military Reserve Or Naval Militia Who Dies In Performance Of Duty

Senate Bill 1193 (Soto), made the following changes to California law:

This act adds Chapter 3.5 entitled the California National Guard Surviving Spouses And Children Relief Act Of 2004 to the Military and Veterans Code.

Section 17132.4 is added to the Revenue and Taxation Code.

This act requires the state to pay a \$10,000 death benefit to eligible individuals when any member of the California National Guard, State Military Reserve, or Naval Militia dies or is killed after March 1, 2003, in the performance of duty.

Eligible individual is defined as the surviving spouse of, or a beneficiary designated by, any member of the California National Guard, State Military Reserve, or Naval Militia.

This act also allows the entire amount of the death benefit payment to be excluded from taxation.

The act is effective January 1, 2005. The death benefit is operative upon the operative date of an appropriation by the Legislature for purposes of funding the benefit payments. The provision that allows the death benefit to be excluded from income is operative for taxable years beginning on or after January 1, 2005.

This act will not require any reports by the department to the Legislature.

Bureau Director

Jana Howard for Brian Putler

Date

10/6/04